



**CITY OF DOVER**

## CITY OF DOVER - ORDINANCE

**POSTED February 24, 2010**

Ordinance Number: **O – yyyy.mm.dd -**  
Ordinance Title: Site Review Regulation Amendments  
Chapter: 149

1. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Section 149-4, Applicability, Section B(7), to read as follows:

“(7) Notwithstanding the above criteria, the Technical Review Committee by majority vote, may require any project which has a significant projected impact on traffic, health, welfare, **environmental quality**, and safety issues to appear before the Planning Board for Site Review.”

2. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Section 149-6, Application Requirements, Section A, first paragraph, to read as follows:

“The Technical Review Committee shall be comprised of the Planning Board Chairperson, who shall act as chairperson, the Community Services Director, City Engineer, Fire Chief, Police Chief, ~~Building Official~~, **Zoning Administrator**, Economic **Development** Director and Planning Director ~~who shall serve as secretary~~. All Committee members shall have a designated alternate available in their absence.”

3. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Section 149-6, Application Requirements, Section B (1) to read as follows:

“A completed application form, available at the **Department of Planning Board and Community Development** office.”

4. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Section 149-6, Application Requirements, Section B (6), third sentence, to read as follows:

“In addition to the abutters list, ~~three two~~ duplicate sets of adhesive address labels for all abutters shall be submitted for use by staff in preparing certified mailings.”

5. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Section 149-6, Application Requirements, Section C, to read as follows:

“C. The applicant shall file the application with the Planning Board Office at least **fifteen (15)** ~~twenty (20)~~ days prior to the Planning Board meeting at which time the application will be accepted and a public hearing held.”

6. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Section 149-10 – Construction of improvements; certificates of occupancy, by adding Section F to read as follows:

“F. All site improvements which require blasting of land shall meet the following requirements prior to any blasting occurring:

- (1) The applicant shall prepare a pre-blast survey of all structures within five hundred (500) feet of the external boundaries of the proposed lot to be developed. This survey, along with a monitoring plan, shall be on file with the Dover Fire and Rescue. Upon recommendation of the Fire Chief, the Planning Board may require a pre-blast survey of all structures within one thousand (1,000) feet.



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- (2) The applicant shall hold a neighborhood meeting to review the blasting plan and pre-blast survey, with representatives of the Fire and Rescue and the blasting company in attendance, prior to any on-site blasting. Abutters within one thousand (1000) feet of the external boundary of the project parcel shall be notified by certified mail (paid for by the applicant) of the meeting no less than ten (10) days prior to the meeting.
  - (3) Permit holders shall be in compliance with NFPA 495, The Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials, in addition to all other ordinances and codes set forth in the City of Dover Fire Prevention Code, which specifically prohibits the overnight storage of explosives or blasting agents. Further all storage magazines shall be locked in the open position at the end of the days' operation, for easy inspection by City Officials.
  - (4) Blasting permits may be obtained by calling the Dover Fire and Rescue during normal business hours. The permits are only active for the dates and times specified on the permit.
  - (5) Permit holders shall hold insurance against claims for damages for personal injury and property which may arise from performance of the work.
  - (6) Hours of operation for the blasting shall be no earlier than 8:00 am and no later than 6:00 pm Monday through Friday, excluding federal holidays."
7. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Section 149-12, Inspections, fourth and fifth sentences, to read as follows:
- "Any improvements ~~completed covered~~ without inspection will be considered not accepted. All fees and costs connected with inspection for the review of plans, construction and specifications shall be paid for by the developer, **at a rate set forth in the City of Dover Adopted Schedule of Fees, as amended annually.** ~~at a rate of 1.5 times payroll costs for all time in excess of three hours."~~
8. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-13, Site Development Plan, Section A(12), to read as follows:
- "(12) **A landscape plan that delineates the arrangement, species and dimensions of all existing and proposed landscaping materials. The landscape plan, in sufficient detail to indicate compliance with these regulations, shall be prepared by a Professional Landscape Architect who is licensed by the State of NH. The licensed Landscape Architect shall sign the plan. The landscape plan shall be certified by the licensed Landscape Architect and include their State of NH license number.** ~~Consideration shall include the preservation and supplementation of existing dominant vegetation and the screening of parking and service areas from the public view."~~
9. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-13, Site Development Plan, Section A, by adding a new paragraph (20), to read as follows:



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“(20) Traffic Impact Assessment and Analysis – All development projects that require site plan review shall prepare a Traffic Impact Assessment and Analysis that complies with the standards contained in Chapter 155 – Land Subdivision Regulations, Section 155-9-I, as amended.”

AND

Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-13, Site Development Plan, Section B, first sentence, to read as follows:

“The information required by A(1) through A(~~20 49~~) of this section must be supplied.”

10. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-14, Site Development Design Criteria, Section D, to read as follows:

“D. Parking.

- (1) Paved on-site parking shall be provided in accordance with the ~~following~~ requirements of the **Parking Regulation Table**.

A parking plan shall be submitted that delineates the number of **striped** parking spaces and the parking arrangement. No on-street parking is permitted. Whenever a use existing on the effective date of this chapter is changed thereafter to a new use, parking facilities and access shall be provided as required herein for such new uses. The following parking standards represent minimum requirements and may be increased as part of the approval of a site development plan.

### **PARKING REGULATION TABLE\***

Columns are cumulative, not exclusive.

Use *	Vehicle parking spaces						Bicycle
	Per Unit	Per Seats	Per Employee on maximum shift	Per bed	Per Square footage (GLA) <sup>1</sup>	Notes	Spaces provided in bike rack(s)
Adult Day Care			6				1 per 1,000 sf
Auditorium		0.25					1 per 1,000 sf
Auto Parts Retail					300		1 per 1,000 sf
Auto Repair			1			Plus 3 spaces per service bay	
Bar/nightclub		1				plus eating and drinking requirement	1 per 500 sf
Bed and Breakfast				1			
Car dealership					1000	sf is for the total developed area of the lot	
Carpet retailer					600		1 per 500 sf



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### PARKING REGULATION TABLE\*

Columns are cumulative, not exclusive.

Use *	Vehicle parking spaces						Bicycle
	Per Unit	Per Seats	Per Employee on maximum shift	Per bed	Per Square footage (GLA) <sup>1</sup>	Notes	Spaces provided in bike rack(s)
Child Care			1			plus 1 per 3 children at maximum capacity	1 per 1,000 sf
Church		0.25					1 per 1,000 sf
Congregate Care Facility Apartment style	1		1				1 per 20 units
Congregate Care Facility Nursing home style	2		1				1 per 20 units
Eating and Drinking Establishment		0.5	1			See Bar/nightclub for additional requirement	1 per 500 sf
Eating and Drinking Establishment – take out			1		300		1 per 500 sf
Education Institution (9-12, College)			1			plus 1 per 6 students at maximum capacity	2 spaces per classroom
Education Institution (K-8)		0.2	1			per seat calc. by the largest assembly room	3 spaces per classroom
Elderly Assisted Care Home			1	2			1 per 20 beds
Funeral Home						8 spaces per chapel, 10 spaces minimum	1 per 500 sf
Furniture dealer					600		1 per 500 sf
Gasoline Service Station			1			plus 2 spaces per gas dispenser	1 per 500 sf
Grocery Store					200		1 per 500 sf
Group Home			1	0.5			1 per bed
Hardware store					600		1 per 500 sf
Hospital				0.5			1 per 3,000 sf
Hotel/Motel					400	1.1 per guest room; SF is added if meeting space is included	1 per 20 rooms
Laundry					300		1 per 500 sf
Manufacturing					500		1 per 3,000 sf
Municipal Building					400		1 per 1,000 sf
Museum			1		250	public floor area	1 per 500 sf
Nursing Home				0.5			1 per 20 beds
Office - General					325		1 per 1,000 sf



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### PARKING REGULATION TABLE\*

Columns are cumulative, not exclusive.

Use *	Vehicle parking spaces						Bicycle
	Per Unit	Per Seats	Per Employee on maximum shift	Per bed	Per Square footage (GLA) <sup>1</sup>	Notes	Spaces provided in bike rack(s)
Office – medical/dental			1		200		1 per 1,000 sf
Office - Professional			5			plus 1 space per staff member	1 per 1,000 sf
Personal Service Establishment					300		1 per 1,000 sf
Pharmacy					200		1 per 500 sf
Real Estate					300		1 per 1,000 sf
Recreation (commercial or public)					300		1 per 1,000 sf
Residential (1 or 2 units)	2						
Residential (3 or more units)	3					plus 1 space per bedroom over three bedrooms	1 per unit
Retail - General					250		1 per 500 sf
Rooming House				1			1 per 20 beds
Self storage	0.1		1				
Shopping plaza/center					200		1 per 500 sf
Theater		0.25					1 per 15 seats
Wholesale Distribution					800		1 per 3,000 sf

\* = If a use is not listed, the Director of Planning shall determine the use, Mixed Uses shall be the sum of all uses.

<sup>1</sup> GLA = Gross Leasable Area

(2) Notwithstanding the requirements established in D1 above, required parking spaces for the ~~B-2, UMUD~~ **Central Business (CBD)** and CWD Zoning districts are as follows:

- (a) Construction of new floor spaces shall be accompanied by a number of parking spaces as required in D1 above.
- (b) Conversions or changes of use that result in an increase in residential units shall require a number of parking spaces in accordance with D1 above.
- (c) Parking spaces required in ~~B-2, UMUD~~ **Central Business (CBD)** and CWD zoning districts may be located off-site up to 1000 feet. The spaces may be located in a municipal parking lot and leased from the City, or leased from a private landowner.

(3) Conditional Use Permit for Reduction in Number of Parking Spaces



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- (a) A Conditional Use Permit may be granted by the Planning Board (RSA 674:21 II) after proper public notice and public hearing for the purpose of altering any provisions of Chapter 149-14-D, Parking Regulation Table, provided that the proposed project complies with the following standards:
- (1) The applicant shall submit an analysis justifying a request for reduced parking requirements.
  - (2) The conditional use permit application shall describe the limits of any parking area subject to the reduced requirements and the reduction applicable to each use.
  - (3) The applicant shall submit an analysis and/or a parking study substantiating the availability of nearby alternative parking to be used as a credit towards reducing parking requirements. The applicant must show that the use(s) can be adequately served by a combination of on and off street parking.
  - (4) The applicant shall submit data and/or a transit study that indicates that existing and planned transit service in the vicinity justifies the reduction requested. The Planning Board shall make the determination.
  - (5) The applicant shall submit a Traffic Reduction and/or Transportation Management Plan which outlines the measure(s) to be taken to permanently reduce parking demand. The plan may include any/all of the following initiatives:
    - a. facilitate employee/customer use of mass transit.
    - b. facilitate employee/customer use of ride share/van pool program.
    - c. establish alternative work hours/flex time program.
    - d. provide incentives to encourage non-vehicular trips, i.e. pedestrian and bicycle alternatives.
    - e. provide preferred parking for ride share/van pool participants.
    - f. create shuttle bus service to/from train/bus stations.
    - g. establish an information center to coordinate ride share/van pool efforts among separate uses within a structure or complex.
  - (6) There shall be no detrimental effects on surrounding properties by any proposal.
- (b) A Conditional Use Permit may also be granted by the Planning Board to allow a decrease in the off-street parking requirements for a building or buildings in close proximity serving more than one use. To obtain such an approval, the applicant must conclusively demonstrate that one or more such uses will generate a demand for parking spaces primarily during periods when the other use or uses are not in operation. Calculations for parking reduction shall be consistent with nationally accepted parking publications such as Shared Parking, (Urban Land Institute, Washington, DC, 1990). The location of all shared parking spaces shall conform with the provisions outlined in Chapter 149-14-D(2) unless determined otherwise by the Planning Board.



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- (c) Any Conditional Use Permit approval shall apply only to the application specified at the time of approval and shall not be transferable to a different application, building expansion, or change of use regardless of size. Any subsequent change(s) to a project or plan that has a shared parking agreement shall be subject to review by the Planning Director. If the proposed parking demand is determined to increase, the project shall be referred to the Planning Board for further review.

### **(3 4) Parking Lot Design Standards**

- (a) Parking spaces shall comply with the following dimensions:

Angle degrees	Stall Width (feet)	Curb Length (feet)	Length of space (feet)	Isle Aisle Width* (feet)
90°	9	9	18	22
75°	9	9.5	19.5	20
60°	9 10	10.4	21	20 16

\*When garages are erected for meeting a developer's parking requirements, aisle widths shall be increased to twenty-four (24) feet.

- (b) One-way accessways (internal ~~roadway~~ aisle) shall be a minimum of twelve (12) feet wide, and two- way accessways shall be a minimum of twenty- four (24) feet in width; ~~or as section 149-14C dictates.~~
- (c) Entrance islands shall support a curve radii illustrated in Sketch A.
- (d) Parking lots shall be designed so as to avoid vehicles backing into the street.
- (e) Parking lots and driveway entrances for non-residential uses shall be designed to prevent vehicles on the City street from queuing up while waiting to access the site. The Planning Board may require that the applicant hire a traffic consultant to prepare a traffic impact study to determine if the development proposal will generate traffic volumes that require traffic control measures such as deceleration or acceleration lanes, adequate turning radii for driveways, or driveways designed with adequate entrance depth.”

11. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-14, Site Development Design Criteria, Section E, paragraph 2(b), to read as follows:

“(b) Parking area lighting standards are as shown in the Table below.

### **PARKING LOT LIGHTING STANDARDS**



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	Zoning Districts – B-3, B-4, B-5, I-1, I-2, I-4, and ETP	Zoning Districts – O, B-1, <del>B-2, UMUD</del> , <b>CBD</b> and CWD	Zoning Districts – <del>RM-6, RM-8, RM-10, RM-12, RM-SU and RM-U</del> <b>RM-20</b>
Mounting Height (Maximum)*	25 feet	20 feet	20 feet
Minimum Illumination Level (at darkest spot of the parking lot)	No less than 0.3 foot-candles No more than 0.5 foot-candles	No less than 0.2 foot-candles No more than 0.4 foot-candles	No less than 0.2 foot-candles No more than 0.3 foot-candles
Uniformity Ratio **	6:1	5:1	4:1

\* Mounting height is the vertical distance between the surface being illuminated and the bottom of the lighting fixture.

\*\* Uniformity ratio is the ratio of average illumination to minimum illumination.”

12. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-14, Site Development Design Criteria, Section G – Landscaping, Section 3, to add a new paragraph (c) to read as follows:

(c) The use of interior landscaping islands and perimeter landscaping areas for storm water treatment and bioretention is acceptable if the areas still provide a visual buffer.”

13. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-14, Site Development Design Criteria, Section L – Architectural Design Guidelines, Section (5), paragraphs (a) and (b), to read as follows:

“(a) ~~B-2, UMUD, CBD.~~ **These** ~~These~~ **This** zones encompasses the downtown areas and ~~are~~ **is** highly sensitive because of the importance and challenge of maintaining a pleasing pedestrian environment. This is the Central Business District, which includes the areas along Washington Street from Chestnut Street to Main Street, all of Main Street, and a section of Central Avenue from Sixth Street to Silver Street. As one travels closer to the core areas traditionally the buildings are taller, closer to the sidewalk, built of more substantial materials, and more elaborate in design and detailing.

(b) ~~CWD.~~ These areas are not as sensitive as existing neighborhoods in which existing residents could be vulnerable to new development over which they have little control. New commercial structures, are not being built in traditional neighborhoods, however this zone is adjacent to the existing downtown core, and should feel as if it is an extension of the ~~B-2, UMUD, CBD~~ district. The architecture of the waterfront areas should encourage the development of marine, history or tourism related land uses and activities, which take advantage of the peculiar characteristics of the waterfront as well as its central location in Dover and its proximity to the historic area.”

AND



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Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-14, Site Development Design Criteria, Section L – Architectural Design Guidelines, Section (6), paragraph (k), to read as follows:

“(k) Whenever possible, signage on buildings in the ~~B-2 and UMUD~~ **CBD** districts are encouraged to follow the mill motif criteria as set out in the sign ordinance (Chapter 170.32.P).”

AND

Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-14, Site Development Design Criteria, Section L – Architectural Design Guidelines, Section (7), paragraph (b), second paragraph, to read as follows:

“If practical, it is preferred that buildings contain at least two stories. Alternatively, a single story building should have a relatively steep roof or a high parapet. It is ~~especially important~~ **required** in the ~~B-2 and UMUD~~ **CBD** zones for buildings to be multistory in order to reinforce the sense of enclosure of the street.”

AND

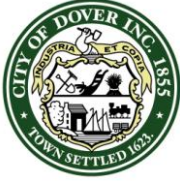
Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-14, Site Development Design Criteria, Section L – Architectural Design Guidelines, Section (7), paragraph (g), second paragraph, to read as follows:

“It is preferable that windows be vertical or at least “no more squat than square” (except as described in ~~B-2/UMUD~~ **CBD** area, below). Horizontally shaped windows are discouraged. Where horizontal windows are sought, a series of contiguous vertical windows with mullions in between should be used arranged in a horizontal band.”

14. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-16, Schedule of Fees, to read as follows:

**“149-16. Schedule of fees. [Amended per Planning Board 04-23-91, 11-15-91, 02-26-96, 01-14-03, and 08-26-08]**

- A. The Planning Board shall levy a fee ~~of one hundred (100) dollars per~~ **as set forth in the City of Adopted Dover Schedule of Fees, as amended annually, for each** dwelling unit resulting from new additions, and changes of use.
- B. The Planning Board shall levy a fee ~~of thirty-five (35) dollars per~~ **as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for each** lodging unit for motel/hotel development.
- C. The Planning Board shall levy a review fee ~~of fifteen (\$.15) cents per square foot of floor space as~~ **set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for all new** non-residential construction. The Planning Board shall levy a review fee ~~of ten (\$.10) cents per~~



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~~square foot of floor space as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for additions to existing non-residential structures. A levy of ten (\$10) cents per square foot of existing floor space fee as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, shall be placed on any applicant requesting a change of use. Said fees shall not exceed ten thousand dollars for new non-residential construction, nor five thousand (\$5,000) dollars for additions to existing non-residential structures or changes of use. The Planning Board shall levy a review fee of seven (\$.07) cents per square foot of~~ **as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for parking lots and paved areas.**

D. The Planning Board shall levy a fee ~~of one hundred and fifty (\$150) dollars as set forth in the City of Dover Adopted Schedule of Fees, as amended annually,~~ for applicants requiring ~~only~~ a Conditional Use Permit.

E. The Planning Board shall levy a fee ~~of fifty (\$50) dollars per hour, with a three hour minimum, as set forth in the City of Dover Adopted Schedule of Fees, as amended annually,~~ for the review of applications for time extensions, **per Chapter 149-9-B**, to approved site plans to cover staff time.

F. In addition to the application fees outlined in section A thru E, the Planning Board shall require the applicant be responsible for paying the cost of mailing certified notices to abutters as well as paying the cost of advertising or posting the application.”

15. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-19, Variances and waivers, to read as follows:

### **“149-19. ~~Variances and w~~ Waivers.**

~~When, in the judgement of the Planning Board, the public convenience and welfare of the citizens of Dover will be substantially served, the Board may take any action it deems necessary to modify the requirements of this chapter.~~

A. The Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

- (1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
- (2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

B. In granting waivers, the Planning Board may require such conditions as will in the Board's judgment, secure substantially the objectives of the standards or requirements of these regulations.

C. Procedures. A petition for any such waiver shall be submitted in writing by the applicant at the time when the application is filed for consideration by the Planning Board. The petition



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**shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner. The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Planning Board.”**

16. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-21, Definitions, first sentence, to read as follows:

“As used in this chapter, the following terms **appearing in CAPITAL LETTERS** shall have the meanings indicated:”

AND

Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-21, Definitions to include all definitions listed in 149-22.

AND

Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-21, Definitions, by adding the following definition:

“GROSS LEASABLE AREA means the gross floor area available for leasing to a tenant.”

AND

Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by deleting Chapter 149-22, Definitions for Architectural Design Guidelines.

AND

Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising Chapter 149-21 “Definitions”, by replacing any use of a “-“ with the word “means”.

AND

Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations is hereby amended by revising Chapter 149-21, Definitions, by revising the definition of “ABUTTER” to read as follows:

“ABUTTER – The owner of record of a parcel of land ~~situated~~ **located in New Hampshire and adjoins or is directly** within two hundred (200) feet **(including land across the street or waterway)** of the proposed site **under consideration by the Board.**

- 1) **For projects meeting the criteria of 149-4 A) the individual owners of units within the association, which are located within two hundred (200) feet of the common property line shall be notified by first class mail.”**